



City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2405488
Applicant Name: Tom Jordan
Address of Proposal: 1231 North Allen Place

SUMMARY OF PROPOSED ACTION

Master Use Permit to change of use of a portion of an existing building (1,000 sq. ft.) from administrative office to retail. Existing surface parking to remain.

The following approvals are required:

Administrative Conditional Use - to allow conversion of one non-conforming use (Administrative Office) to another non-conforming use (Personal Household Sales & Service) in a Single Family 5000 zone (SF 5000). (SMC 23.42.110)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The subject property is located at 1231 North Allen Place fronting on North Allen Place, Stone Way North and North 44th Street; one (1) block south of Northeast 45th Street. The parcel and existing building are within two (2) zones: the west 10' x 100' portion of the property is in the Single Family 5000 (SF 5000) zone and the remaining portion of the property and surface parking area is in the Neighborhood Commercial (NC2-40') zone. Development on the subject site consists of a one-story 13,196 square foot (sq. ft.) administrative office building with a partial basement. Surface parking for nineteen (19) vehicles is currently provided on site. A slated chain link fence atop of an existing retaining wall and tall trees partially screen the parking lot from the residential neighbors just west of the parking lot. Commercial retail stores, administrative offices and a retirement home reside north, south and east of the site. Two legally non-conforming duplexes are located just west of the subject site.

Proposal Description

The applicant proposes to change the use of the entire first floor (9,290 sq. ft.) of the administrative office to personal household sales and service (retail). The administrative office use in the basement will remain. Proposed interior alterations include remodeling the first floor to create two (2) retail tenant spaces; and minor alterations to the basement. Exterior alterations include replacing existing windows with larger storefront windows on the building's north, east and south wall facades; creating recessed entries for the new retail tenant spaces to front on North Allen Place; and adding a canopy above the entry lobby along the building south façade near the surface parking area. No exterior alterations are proposed for that portion of building located in the SF5000 zone. A surface parking area for nineteen (19) vehicles will remain immediately south of the existing building. There are no proposed changes landscaping.

According to the applicant, the total number of employees for both retail operations will be ten (10) and the administrative office will be five (5). The proposed hours of operation for the retail spaces are anticipated to be between 10:00 a.m. and 8:00 p.m. Monday through Friday; 10:00 a.m. and 6:00 p.m. on Saturdays. The applicant anticipates deliveries will be made five (5) times per week.

Background Information

The first zoning code for the City of Seattle was adopted in 1923. This particular site was zoned "business" at that time and continued as a business zone with the adoption of the 1947 Zoning Code. In 1957, a new Zoning code was adopted and a portion of the property was changed to a single-family residential zone (RS5000). Residential zoning was continued on the site with the adoption of the latest Zoning Code under the zone SF5000. This zone along with Neighborhood Commercial (NC2-40') continues to this present day on the site.

Department of Planning and Development (DPD) Permit history shows a building permit was issued to construct an office building in 1955. In 1978, a permit was issued to "install a roll-up door in existing office building – no change in existing parking". The property was recently sold to the current owner. Per the current owner, the building had been previously been used by a book publishing company.

The existing building was built before the residential zone boundaries were adopted; therefore, creating an existing non-conforming use for that portion of building located in the residential zone. Portions of the first floor (1000 sq. ft.) and of the basement (1,400 sq. ft.) are located in the SF 5000 zone. The request to change the use of that portion of administrative office (1000 sq. ft.) to retail in the SF 5000 zone has triggered the need for the Administrative Conditional Use.

Nonconforming Status

Nonconforming uses are defined in the Seattle Land Use Code as "a use of land or a structure that was lawful when established and that does not now conform to the use regulations of the zone in which it is located....." Sec. 23.42.104 states that "a nonconforming use that has been discontinued for more than twelve (12) consecutive months shall not be reestablished or recommenced." Per the applicant the previous business was in operation until the sale was completed to the current owner. With the submittal of the application to change from one

nonconforming use to another (the subject of this review), the use shall not be considered discontinued even if the structure is vacant for twelve (12) consecutive months prior to rendering of a decision on this application.

Public Comment

The public comment period for this project ended August 25, 2004. DPD received two written comments regarding this proposal. The neighbors near the subject site expressed concerns regarding possible changes from single family zoning to commercial and the allowance of the current use to another non-conforming use in a single family zone.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

Standards for converting from one (1) nonconforming use to another are found in section SMC 23.42.110 of the Seattle Land Use and Zoning Code. Specific criteria applicable to this application can be found in Subsection B. The proposed new use must be no more detrimental to properties in the zone or vicinity than the existing use. This determination shall be based on the following criteria:

1. The zones in which both the existing use and the proposed new use are allowed;

Administrative Offices and Personal Household Sales and Services are both permitted in all commercial zones (from residential zones with a residential commercial designation to Commercial 2). They are both permitted in all industrial zones as well as downtown. The uses are not regulated differently in any of these zones except for parking which will be discussed below therefore, it seems reasonable to assume that the change of use should be approved based on a comparison of the zones in which both uses are allowed.

2. The number of employees and clients associated or expected with the proposed use;

Per the applicant, the number of employees will be a maximum of fifteen (15) employees for both the two (2) retail spaces and the administrative office. It is predicted that a limited amount of deliveries will occur per week for both retail spaces. Based on the number of employees and the limited deliveries, it is reasonable to assume that impacts associated with the proposed retail use will not be substantial enough to require further mitigation.

3. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses and how these impacts could be mitigated.

Section 23.54.015, Chart A, of Seattle Land Use and Zoning Code sets forth the base parking requirement for General Retail Sales and Service use as one (1) parking space per each 350 sq. ft. of gross floor area and Administrative Office as one (1) parking space per each 1000 sq. ft. of gross floor area. General Retail Sales and Service uses are also entitled to an additional waiver for the first 2500 sq. ft. of gross floor area per Section 23.54.015E. By utilizing the parking waiver, transit reduction and shared use reduction, the required parking equates to fourteen (14) parking spaces. The existing site has a surface parking area striped for nineteen (19) parking spaces and is entirely located within the NC2-40' zone. The parking area can accommodate employee parking, deliveries and shoppers. Any additional spillover parking can be easily accommodated on Stone Way North.

It is anticipated that the limited deliveries for the retail use will not adversely impact the traffic flow of the site. Based on the orientation of the entries to the building, deliveries to the retail use will occur within that portion of the building that is located within the NC2-40' zone.

There will be no change or addition to the exterior lighting of the building. Therefore, no additional impacts due to lighting are anticipated beyond that which may already be in existence on the site.

The interior of the building will be remodeled to accommodate two retail tenant spaces. No increase in noise or odor is anticipated to be associated with the retail uses.

The proposal is a change of use for an interior use and will not create exterior noise or visual impacts. Signage is limited by the provisions of the Land Use Code; it must be stationary and cannot rotate. No flashing, changing-image board signs are permitted. Applicant will refer to Section 23.55.020E of the Seattle Land Use and Zoning Code for existing business signs for non-conforming business establishments in single family zones. The proposed use is consistent with the existing use.

The proposed new use will be no more detrimental to properties in the zone or vicinity than the existing use. The proposal is to change the use of the existing building from administrative office to retail on the first floor with administrative office to remain in the basement. No exterior alterations, signage, parking or parking access is proposed for that portion of the building that is located within the SF5000 zone; these changes including interior alterations will occur to that portion of the building located within the NC2-40' zone. This zone allows for retail uses outright.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The request to change the use of a portion of the existing Administrative Office use to a Personal Household Sales and Service Use is **GRANTED**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

None.

Signature: (signature on file) Date: October 21, 2004
Tamara Garrett, Land Use Planner
Department of Planning and Development
Land Use Services